

REMARKS

Claims 1 -8 are pending in the application. Claims 1-8 are rejected. Claims 1 and 3-6 are amended. Claims 1-8 remain. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

In this Action, the Examiner has maintained the rejection of Claim 1-8 under 35 USC 102(e) as being anticipated by Gunnarsson et al. (US 2003/0,118,015), the Examiner contending that Gunnarsson et al. discloses wireless LAN service determination means for determining whether or not there is an access point of a wireless LAN providing wireless data service based on broadcasting information transmitted within a service area of a base station. In response, Applicant has amended the claims so that it is made clear that the determination is made based on broadcasting information transmitted by the base station, rather than based on broadcasting information transmitted within a service area of the base station as noted by the Examiner. Each of the independent claims, namely Claims 1, 4 and 6, have been amended to provide this clarification. Additional amendments have been made to the claims, namely Claims 1 and 3-6, in order to provide further clarity to the claims.

Applicant further notes, by these amendments, the argued limitation that the broadcasting information is transmitted by the base station has been made clear. In this connection, in reviewing Gunnarsson et al., the base station is identified as element 14. However, nowhere in Gunnarsson et al., is it disclosed that the broadcasting information is used to determine whether or not there is an access point of a wireless LAN used by the global station to search for a beacon signal. Rather, in Gunnarsson et al., the signaling is performed by wireless communication network 10 by tracking the current location of a mobile terminal, and sending notification to the mobile terminal 60 when there is a WLAN in the vicinity of the mobile terminal. As shown in Gunnarsson et al., for example, Figure 1, communication network 10 includes numerous base stations 14. Thus, it should be clear that the signaling performed by Gunnarsson et al., is performed at the network level, rather than at the base station level. This is the reason Gunnarsson et al., requires tracking of the mobile terminal so that the communication network knows when the terminal is within range of a wireless access point. According to the present invention, however, since it is the base station which transmits information indicating presence of an access point, and since the mobile station will not receive

the information unless it is within range of the base station, there is no need in the present invention for the tracking required by Gunnarsson et al.

Accordingly, reconsideration and withdrawal of the rejection of Claims 1-8 under 35 USC 102(e) as being anticipated by Gunnarsson et al. is respectfully requested.

In view of the foregoing, it is submitted that claims 1-8 patentably define the subject invention over the cited reference of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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Dated:

6/1/08

By: _____

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

Linda Metz

6-17-08

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